

E-Filed 2/10/2012

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

William Michael DENNIS,

Petitioner,

v.

Kevin CHAPPELLE,¹ Warden of San Quentin
State Prison,

Respondent.

Case Number 5-98-cv-21027-JF

DEATH-PENALTY CASE

ORDER RESOLVING MOTIONS
REGARDING SCHEDULING

[Docs Nos. 264, 266 & 270–71]

Four motions regarding scheduling are pending in the present action. Good cause therefor appearing, Petitioner's two unopposed motions for extensions of time to file his opposition to Respondent's motion for reconsideration, (Docs. Nos. 264 & 266), are granted nunc pro tunc, and Petitioner's two motions to continue time to comply with scheduling order, (Docs. Nos. 270–71), are granted in part and denied in part as follows.

The scheduling order of May 2, 2011, (Doc. No. 262), is vacated.

Petitioner may file a supplemental opposition to the motion for reconsideration on or before March 15, 2012. (*See* Doc. No. 272 at 2–3 n.2.) Respondent may file a supplemental

¹ Kevin Chappelle is substituted automatically as the named Respondent pursuant to Federal Rule of Civil Procedure 25(d).

1 reply on or before April 23, 2012. In addition to any other points the parties wish to address in
2 these briefs, the Court is interested in the parties' views as to the relevance of *Gonzalez v. Wong*,
3 — F.3d —, No. 08-99025, 2011 WL 6061514 (9th Cir. Dec. 7, 2011).

4 Unless otherwise ordered, Respondent's motion for reconsideration will be deemed
5 resubmitted upon receipt of Respondent's supplemental reply or the expiration of time within
6 which to file a supplemental reply.

7 Within thirty days after the Court issues an order disposing of the motion for
8 reconsideration, the parties shall file a joint statement including a proposed schedule for, inter
9 alia, any necessary discovery and disclosures as contemplated in paragraphs 5–7 of the May 2,
10 2011, scheduling order, as well as proposed dates for an evidentiary hearing as contemplated in
11 paragraph 8 of that order in the event that the Court reaffirms its earlier determination that
12 Petitioner is entitled to an evidentiary hearing.

13 IT IS SO ORDERED.

14
15 DATED: February 10, 2012


JEREMY FOGEL
United States District Judge